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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Adrien Joshua Espinoza,

10 Plaintiff,

11 v.

12 Phillip Irby, et al.,

13 Defendants.
14

No. CV-17-00236-TUC-DCB

ORDER

15 On July 25, 2019, the Court granted summary judgment for all Defendants, except
16 for those Plaintiff had failed to name and serve. As to those unnamed and unserved
17 Defendants the Court gave Plaintiff notice that they were subject to dismissal, pursuant to
18 Fed. R. Civ. P. 4(m). The Court gave the Plaintiff ten days to show cause why they should
19 not be dismissed, and subsequently, on August 16, 2019, the Court extended the time to
20 August 30, 2019. The Court ordered that “NO FURTHER EXTENSIONS OF TIME
21 WOULD BE GRANTED.” On August 22, 2019, the Plaintiff filed another motion to
22 extend the time to show cause. He gives the same reason for needing further time, which
23 is because he has four civil cases pending, and he is diligently litigating this case.¹

24 Dismissal of the unnamed Defendants is especially warranted, here, because the
25 Court allowed the Plaintiff the opportunity to conduct discovery to discover the unnamed

26 ¹ The Court notes that two of the four cases referenced by the Plaintiff are before this Court:
27 this case and CV 16-561 TUC DCB. This case needs no further litigation; Plaintiff needs
28 simply to file a response to the OSC. The other case, CV 16-561 TUC DCB has a fully
briefed dispositive motion pending, and waiting for a ruling from this Court. More,
accurately, the Plaintiff has two civil cases, CV 17-3983 PHX ROS and 18-1136 PHX
TUC, being actively litigated at this time.

1 Defendants' names, discovery was completed, and still Plaintiff failed to name them.
2 When the Court granted the last extension of time, it gave the Plaintiff leave to show cause
3 without attaching any supporting documentation to alleviate any problems resulting from
4 an alleged lack of access to his legal materials, and the Court allowed him to merely
5 reference any such evidence. The Court expressly notified the Plaintiff that there would
6 be no further extensions of time. Still, Plaintiff fails to show cause and, instead, seeks a
7 further extension of time. The Court denies the motion.

8 **Accordingly,**

9 **IT IS ORDERED** that the Motion for Extension of Time (Doc. 118) is DENIED.

10 **IT IS FURTHER ORDERED** that the unnamed Defendants are dismissed for
11 failing to serve them and failing to litigate the case against them.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter Judgment for
13 Defendants and against the Plaintiff, pursuant to this Court's Order (Doc. 112).

14 Dated this 27th day of August, 2019.

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Honorable David C. Bury
United States District Judge